

Proceedings of the Arizona Game and Fish
Commission License Revocation and Civil
Assessment Hearings
Time Certain – 2:00 p.m.
Friday, April 11, 2014
Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, Arizona 85086

PRESENT: (Commission)

(Director's Staff)

Vice Chairman John W. Harris
Commissioner Robert E. Mansell
Commissioner Kurt R. Davis
Commissioner Edward "Pat" Madden
Commissioner James R. Ammons

Director Larry D. Voyles
Deputy Director Ty E. Gray
Assistant Attorney General Jim Odenkirk
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments
for the Illegal Taking and/or Possession of Wildlife

Presenter: Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Michael D. Melvin	2014-0015	Count A:	Obtain Resident License by Misrepresentation
Mario D. Barragan	2014-0018	Count A:	Possess/Transport Unlawfully Taken Wildlife
Mario D. Barragan	2014-0019	Count B:	Possess/Transport Unlawfully Taken Wildlife
Mario D. Barragan	2014-0020	Count A:	Take Wildlife In Excess of Bag Limit
Mario D. Barragan	2014-0021	Count A:	Knowingly Obtain License/Tag by Fraud/Misrepresentation
Mario D. Barragan	2014-0022	Count A:	Take Wildlife In Excess of Bag Limit
Mario D. Barragan	2014-0024	Count A:	Possess/Transport Without Valid Tag Attached Citation A02007
Alfred C. Barragan	2014-0025	Count A:	Take Wildlife Without Valid License/Tag in Possession Citation A02009
		Count A:	Take Wildlife In Excess of Bag Limit
Alfred C. Barragan	2014-0026	Count A:	Knowingly Obtain License/Tag by Fraud/Misrepresentation

Roll call was taken and the following were present: Alfred C. Barragan.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

Motion: Mansell moved and Davis seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

Vote: Unanimous

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Alfred C. Barragan
Docket # 2014-0026

Barragan was found guilty by the Globe Justice Court for: Count A: Knowingly obtain license/tag by fraud/misrepresentation; and sentenced: Fined: \$241.12.

Barragan was present and addressed the Commission stating that he shot a spike mule deer, but that he had a tag and couldn't find it. Since he couldn't find it, he purchased another tag, and then he found the tag he lost. So he put the original tag on the deer and gave the duplicate to Officer Brochu.

The Commission questioned Mr. Barragan and confirmed with him that he pled guilty to the charges in court.

The Case Officer Brochu was present and answered questions for the Commission. When he questioned the individuals involved in this case, there were many discrepancies.

Mr. Elms advised the Commission on Docket # 2014-0025, which was another case regarding Alfred C. Barragan from another jurisdiction with a notice issue. The Department was going to ask the Commission for a continuance, but Mr. Barragan has agreed to have the case heard today so that he doesn't have to come back before the Commission.

The Commission confirmed with Mr. Barragan that he wanted to waive the notice issue and have the Commission hear both cases, Docket # 2014-0025 and Docket # 2014-0026.

Jolene Barragan addressed the Commission on her husband's behalf and confirmed that the tag was lost and she found it. The original tag was used and the duplicate was put away until they gave it to Officer Brochu.

The Commission was in consensus to hear the second case for Alfred C. Barragan, Docket # 2014-0026 before taking action.

Alfred C. Barragan
Docket # 2014-0025

Barragan was found guilty by the Oracle Justice Court for: Citation A02007: Count A: Take wildlife without valid license/tag in possession (spike mule deer); and Citation A02009; Count A: Take wildlife in excess of bag limit (spike mule deer); and sentenced: Fined: \$500.00.

Mr. Elms advised the Commission that Citation A02007 is for the actual taking of a spike mule deer and the second violation, A02009, occurred much later when Mr. Barragan was in the field hunting, but did not harvest a deer.

Barragan addressed the Commission and stated that he was not hunting deer when he was in the field. He shot a jackrabbit with his bow, but was not hunting deer.

Mr. Brochu addressed the Commission and answered questions. From investigation interviews that were conducted, Mr. Brochu was told that Mr. Barragan shot at a deer on August 25th.

Motion: Mansell moved and Davis seconded THAT IN REGARDS TO CITATION A02007, DOCKET # 2014-0025, THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ALFRED C. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ALFRED C. BARRAGAN TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) SPIKE MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

Motion: Mansell moved and Madden seconded THAT IN REGARDS TO CITATION A02009, DOCKET # 2014-0025, THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ALFRED C. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

The Commission did not take action on Docket # 2014-0026.

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Michael D. Melvin

Docket # 2014-0017

Melvin was found guilty by the Bullhead Justice Court for: Count A: Obtain resident license by misrepresentation; and sentenced: Fined: \$250.00.

Melvin was not present.

Motion: Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MICHAEL D. MELVIN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Davis stated that he will vote nay because it is very clear to him that there was an effort to obtain resident licenses in two different states.

Vote: Aye - Mansell, Madden, Ammons
Nay - Harris, Davis
Passed 3 to 2

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Mario D. Barragan

Docket # 2014-0020

Barragan was found guilty by the Pima County Consolidated Justice Court for Count A: Take wildlife in excess of bag limit; and sentenced: Fined: \$750.00.

Barragan was not present.

Motion: Ammons moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF

THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mario D. Barragan

Docket # 2014-0022

Barragan was found guilty by the Pima County Consolidated Justice Court for Count A: Take wildlife in excess of bag limit; and sentenced: Fined: \$750.00.

Barragan was not present.

Motion: Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF TEN (10) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST MARIO D. BARRAGAN TO COLLECT THE AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) WHITE TAILED DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mario D. Barragan

Docket # 2014-0018

Barragan was found guilty by the Oracle Justice Court for Count A: Possess/transport unlawfully taken wildlife (deer); and sentenced: Fined: \$200.00.

Barragan was not present.

Motion: Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mario D. Barragan
Docket # 2014-0019

Barragan was found guilty by the Oracle Justice Court for Count B: Possess/transport unlawfully taken wildlife (white-tailed deer); and sentenced: Fined: \$200.00.

Barragan was not present.

Motion: Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mario D. Barragan
Docket # 2014-0021

Barragan was found guilty by the Pima County Consolidated Justice Court for Count A: Knowingly obtain license/tag by fraud/misrepresentation; and sentenced: Fined: \$732.00.

Barragan was not present.

Motion: Ammons moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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Mario D. Barragan
Docket # 2014-0024

Barragan was found guilty by the Mammoth Justice Court for Count A: Possess/transport wildlife without valid tag attached: Fined: \$200.00.

Barragan was not present.

Motion: Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF MARIO D. BARRAGAN TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Vote: Unanimous

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These hearings concluded at 2:45 p.m.

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